

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

**[PROPOSED] ORDER GRANTING CALLAWAY GOLF'S MOTION TO
DISQUALIFY DAVID L. FELKER AS AN EXPERT OR CONSULTANT IN THIS
CASE**

The Court, having considered Callaway Golf Company's ("Callaway Golf") motion to disqualify David L. Felker from serving as an expert or consultant for Defendant Acushnet Company ("Acushnet") and Acushnet's opposition thereto, **HEREBY GRANTS** Callaway Golf's motion to disqualify.

IT IS ORDERED that David L. Felker may not act as an expert or consultant for Acushnet in relation to this suit, and that Acushnet may not have any ex parte communication with David L. Felker relating to this case.

SO ORDERED, this ____ day of _____, 2007.

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

**PLAINTIFF CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY
DEFENDANT ACUSHNET COMPANY'S EXPERT DAVID FELKER**

For the reasons set forth in its accompanying memorandum of points and authorities, Plaintiff CALLAWAY GOLF COMPANY hereby moves the Court to disqualify David L. Felker from serving as a consultant or expert for Defendant ACUSHNET COMPANY in the above-titled action. A proposed order is enclosed herewith.

Dated: January 17, 2007

FISH & RICHARDSON P.C.

By: /s/ Thomas L. Halkowski

Thomas L. Halkowski (#4099)
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114
Tel: (302) 652-5070
Fax: (302) 652-0607

Frank E. Scherkenbach
225 Franklin Street
Boston, MA 02110-2804
Tel: (617) 542-5070
Fax: (617) 542-8906

Roger A. Denning
12390 El Camino Real
San Diego, CA 92130
Tel: (858) 678-5070
Fax: (858) 678-5099

Attorneys for Plaintiff
CALLAWAY GOLF COMPANY

RULE 7.1.1 CERTIFICATE

The undersigned certifies that counsel for movants have made reasonable effort to reach agreement with the opposing attorneys on the matters set forth in the motion.

/s/ Thomas L. Halkowski

Thomas L. Halkowski

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2007, I electronically filed the **PLAINTIFF CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY DEFENDANT ACUSHNET COMPANY'S EXPERT DAVID FELKER** with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via hand delivery:

Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6th floor
1313 N. Market Street
Wilmington, DE 19801

Attorneys for Defendant
ACUSHNET COMPANY

I hereby certify that on January 17, 2007, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

Joseph P. Lavelle
Andrew R. Sommer
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004

Attorneys for Defendant
ACUSHNET COMPANY

/s/ Thomas L. Halkowski

Thomas L. Halkowski